



Montana Legislative History

Chapter: 214 Session L: 2017

Bill Number: HB 200

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	n/a
Third Reading Bill	X
Final Version of Bill	X

House

Committee: Local
Government

Hearing Date(s):

[Jan. 12, 2017](#)

[Jan. 19, 2017](#)

(Exec. Action)

Senate

Committee: Local Government

Hearing Date(s):

[Feb. 1, 2017](#)

[March 13, 2017](#) (Exec. Action))

Conference Committee

Hearing Date(s): n/a

Conference Committee Report:

Compiler Notes

Compiled by:

Date:

Notes:

Summary

Sponsoredby: [Fern, Dave](#)
(D) HD 5

Progress		
Status	Date	Passed
Introduced	01/09/17	✓
Passed (H) Committee	01/20/17	✓
Passed House	01/24/17	✓
Passed (S) Committee	03/14/17	✓
Passed Senate	03/23/17	✓
To Governor	04/10/17	✓

Draft #	LC1138
Amendment(s)	No
Chapter #	214
Current Status	Chapter Number Assigned
Co-Sponsor(s)	None
Drafter	Thigpen, Helen
Requester	Fern, Dave
Fiscal Note	No

Preintroduction Required	No
Category	General Bills
Subject(s)	Property,
Transmittal Date	03/01/17
Return Date	04/06/17

Sections Affected	Effective Date	Qualifier
All Sections	04/20/2017	

Bill Explorer - HB 200: Revise laws regarding shared equity properties

Status

Date	Action	Committee	Yes Votes	No Votes
04/20/17	Chapter Number Assigned			
04/20/17	(H) Signed by Governor			
04/10/17	(H) Transmitted to Governor			
04/07/17	(S) Signed by President			
04/06/17	(H) Signed by Speaker			
04/05/17	(H) Returned from Enrolling			
04/04/17	(C) Printed - Enrolled Version Available			
04/03/17	(H) Sent to Enrolling			
04/03/17	(H) 3rd Reading Passed as Amended by Senate		63	36
04/03/17	(H) Scheduled for 3rd Reading			
04/01/17	(H) 2nd Reading Senate Amendments Concurred		66	34
04/01/17	(H) Scheduled for 2nd Reading			
03/24/17	(S) Motion to Reconsider Failed		24	26
03/23/17	(S) Returned to House with Amendments			
03/23/17	(S) 3rd Reading Concurred		25	24
03/23/17	(S) Scheduled for 3rd Reading			

Date	Action	Committee	Yes Votes	No Votes
03/22/17	(S) 2nd Reading Concurred		27	23
03/22/17	(S) Scheduled for 2nd Reading			
03/14/17	(C) Printed - New Version Available			
03/14/17	(S) Committee Report--Bill Concurred as Amended	(S) Local Government		
03/13/17	(S) Committee Executive Action-- Bill Concurred as Amended	(S) Local Government	6	3
03/13/17	(S) Taken from Table in Committee	(S) Local Government		
02/13/17	(S) Tabled in Committee	(S) Local Government		
02/01/17	(S) Hearing	(S) Local Government		
01/25/17	(S) Referred to Committee	(S) Local Government		
01/25/17	(S) First Reading			
01/24/17	(C) Printed - New Version Available			
01/24/17	(H) Transmitted to Senate			
01/24/17	(H) 3rd Reading Passed		55	44
01/24/17	(H) Scheduled for 3rd Reading			
01/23/17	(H) 2nd Reading Passed		59	41
01/23/17	(H) Scheduled for 2nd Reading			
01/23/17	(C) Sponsors Engrossed			
01/20/17	(H) Committee Report--Bill Passed	(H) Local Government		
01/19/17	(H) Committee Executive Action-- Bill Passed	(H) Local Government	21	2

Date	Action	Committee	Yes Votes	No Votes
01/12/17	(H) Hearing	(H) Local Government		
01/09/17	(H) First Reading	(H) Local Government		
01/09/17	(H) Referred to Committee	(H) Local Government		
01/08/17	(C) Introduced Bill Text Available Electronically			
01/06/17	(H) Introduced			
01/05/17	(C) Draft Delivered to Requester			
12/22/16	(C) Draft Ready for Delivery			
12/22/16	(C) Executive Director Final Review			
12/22/16	(C) Draft in Assembly			
12/22/16	(C) Executive Director Review			
12/22/16	(C) Bill Draft Text Available Electronically			
12/22/16	(C) Draft in Final Drafter Review			
12/19/16	(C) Draft in Input/Proofing			
12/19/16	(C) Draft to Drafter - Edit Review			
12/17/16	(C) Draft in Edit			
12/16/16	(C) Draft in Legal Review			
12/05/16	(C) Draft to Requester for Review			
11/23/16	(C) Draft Request Received			

Showing 1 to 53 of 53 entries

Fiscal

Date	Status
No matching results found	
Fiscal Documents	
No matching results found	
Fiscal Rebuttals	
No matching results found	

Amendments

Amendment	Condensed Version
No Amendments found	

Documents And Links

Previous Versions

[HB0200_x.pdf](#)

[HB0200_3.pdf](#)

[HB0200_2.pdf](#)

[HB0200_1.pdf](#)

Other

None

Section 2. Effective date. [This act] is effective on passage and approval.
Approved April 20, 2017

CHAPTER NO. 214

[HB 200]

AN ACT REVISING LAWS REGARDING SHARED EQUITY PROPERTIES; PROVIDING THAT A COMMUNITY LAND TRUST OR A HOUSING UNIT ON LAND BELONGING TO A COMMUNITY LAND TRUST ARE NOT CONDOMINIUMS WITHIN THE MEANING OF THE UNIT OWNERSHIP ACT; DEFINING "COMMUNITY LAND TRUST"; AMENDING SECTION 70-23-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 70-23-102, MCA, is amended to read:

"70-23-102. Definitions. In this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Association of unit owners" means all the unit owners acting as a group in accordance with the declaration and bylaws.

(2) "Building" means a multiple-unit building or buildings comprising a part of the property.

(3) "Common elements" means the general common elements and the limited common elements.

(4) "Common expenses" means:

(a) expenses of administration, maintenance, repair, or replacement of the common elements;

(b) expenses agreed upon as common by all the unit owners; and

(c) expenses declared common by 70-23-610 and 70-23-612 or by the declaration or the bylaws of the particular condominium.

(5) "*Community land trust*" means a nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code that holds title to land beneath individually owned housing units for the purpose of preserving affordable housing.

(5)(6) "Condominium" means the ownership of single units with common elements located on property submitted to the provisions of this chapter. The term does not include a townhome, or townhouse, *community land trust*, or a housing unit located on land belonging to a community land trust.

(6)(7) "Declaration" means the instrument by which the property is submitted to the provisions of this chapter.

(7)(8) "General common elements", unless otherwise provided in a declaration or by consent of all the unit owners, means:

(a) the land on which the building is located, except any portion of the land included in a unit or made a limited common element by the declaration;

(b) the foundations, columns, girders, beams, supports, mainwalls, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances, and exits of the building;

(c) the basements, yards, gardens, parking areas, and outside storage spaces, private pathways, sidewalks, and private roads;

(d) installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, waste disposal, and incinerating;

(e) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;

(f) the premises for the lodging of janitors or caretakers of the property; and

(g) all other elements of the building necessary or convenient to its existence, maintenance, and safety or normally in common use.

~~(8)~~~~(9)~~ "Limited common elements" means those common elements designated in the declaration or by agreement of all the unit owners as reserved for the use of a certain unit or number of units to the exclusion of the other units.

~~(9)~~~~(10)~~ "Majority" or "majority of the unit owners", unless otherwise provided in the declaration, means the owners of more than 50% in the aggregate of the undivided ownership interests in the general common elements as the percentage of interest in the element appertaining to each unit is expressed in the declaration. Whenever a percentage of the unit owners is specified, percentage means the percentage in the aggregate of undivided ownership.

~~(10)~~~~(11)~~ "Manager" means the manager, board of managers, or other person in charge of the administration of or managing the property.

~~(11)~~~~(12)~~ "Project" means a real estate condominium project whereby a condominium of two or more units located on property submitted to the provisions of this chapter are offered or proposed to be offered for sale.

~~(12)~~~~(13)~~ "Property" means the land, all buildings, improvements, and structures on the land, and all easements, rights, and appurtenances belonging to the land that are submitted to the provisions of this chapter.

~~(13)~~~~(14)~~ "Recording officer" means the county officer charged with the duty of filing and recording deeds and mortgages or other instruments or documents affecting the title to real property.

~~(14)~~~~(15)~~ "Townhome" or "townhouse" means property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

~~(15)~~~~(16)~~ "Unit" means a part of the property including one or more rooms occupying one or more floors or a part or parts of the property intended for any type of independent use and with a direct exit to a public street or highway or to a common area or area leading to a public street or highway.

~~(16)~~~~(17)~~ "Unit designation" means the number, letter, or combination of numbers and letters designating a unit in the declaration.

~~(17)~~~~(18)~~ "Unit owner" means the person owning a unit in fee simple absolute individually or as co-owner in any real estate tenancy relationship recognized under the laws of this state. However, for all purposes, including the exercise of voting rights, provided by lease filed with the presiding officer of the association of unit owners, a lessee of a unit must be considered a unit owner."

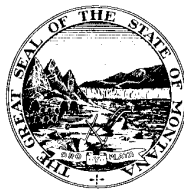
Section 2. Effective date. [This act] is effective on passage and approval.

Approved April 20, 2017

CHAPTER NO. 215

[HB 208]

AN ACT REVISING LAWS RELATED TO ETHICS AND STANDARDS OF CONDUCT FOR PUBLIC OFFICIALS AND PUBLIC EMPLOYEES; PROVIDING THAT IT IS UNLAWFUL TO RETALIATE AGAINST A PERSON WHO ALLEGES WASTE, FRAUD, OR ABUSE; AND PROVIDING FOR CIVIL LIABILITY AND REMEDIES.



AN ACT REVISING LAWS REGARDING SHARED EQUITY PROPERTIES; PROVIDING THAT A COMMUNITY LAND TRUST OR A HOUSING UNIT ON LAND BELONGING TO A COMMUNITY LAND TRUST ARE NOT CONDOMINIUMS WITHIN THE MEANING OF THE UNIT OWNERSHIP ACT; DEFINING "COMMUNITY LAND TRUST"; AMENDING SECTION 70-23-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-23-102, MCA, is amended to read:

"70-23-102. Definitions. In this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Association of unit owners" means all the unit owners acting as a group in accordance with the declaration and bylaws.

(2) "Building" means a multiple-unit building or buildings comprising a part of the property.

(3) "Common elements" means the general common elements and the limited common elements.

(4) "Common expenses" means:

(a) expenses of administration, maintenance, repair, or replacement of the common elements;

(b) expenses agreed upon as common by all the unit owners; and

(c) expenses declared common by 70-23-610 and 70-23-612 or by the declaration or the bylaws of the particular condominium.

(5) "Community land trust" means a nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code that holds title to land beneath individually owned housing units for the purpose of preserving affordable housing.

(6) "Condominium" means the ownership of single units with common elements located on property submitted to the provisions of this chapter. The term does not include a townhome, or townhouse, community land trust, or a housing unit located on land belonging to a community land trust.

(7) "Declaration" means the instrument by which the property is submitted to the provisions of this

chapter.

~~(7)~~(8) "General common elements", unless otherwise provided in a declaration or by consent of all the unit owners, means:

- (a) the land on which the building is located, except any portion of the land included in a unit or made a limited common element by the declaration;
- (b) the foundations, columns, girders, beams, supports, mainwalls, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances, and exits of the building;
- (c) the basements, yards, gardens, parking areas, and outside storage spaces, private pathways, sidewalks, and private roads;
- (d) installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, waste disposal, and incinerating;
- (e) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;
- (f) the premises for the lodging of janitors or caretakers of the property; and
- (g) all other elements of the building necessary or convenient to its existence, maintenance, and safety or normally in common use.

~~(8)~~(9) "Limited common elements" means those common elements designated in the declaration or by agreement of all the unit owners as reserved for the use of a certain unit or number of units to the exclusion of the other units.

~~(9)~~(10) "Majority" or "majority of the unit owners", unless otherwise provided in the declaration, means the owners of more than 50% in the aggregate of the undivided ownership interests in the general common elements as the percentage of interest in the element appertaining to each unit is expressed in the declaration. Whenever a percentage of the unit owners is specified, percentage means the percentage in the aggregate of undivided ownership.

~~(10)~~(11) "Manager" means the manager, board of managers, or other person in charge of the administration of or managing the property.

~~(11)~~(12) "Project" means a real estate condominium project whereby a condominium of two or more units located on property submitted to the provisions of this chapter are offered or proposed to be offered for sale.

~~(12)~~(13) "Property" means the land, all buildings, improvements, and structures on the land, and all

easements, rights, and appurtenances belonging to the land that are submitted to the provisions of this chapter.

~~(13)~~(14) "Recording officer" means the county officer charged with the duty of filing and recording deeds and mortgages or other instruments or documents affecting the title to real property.

~~(14)~~(15) "Townhome" or "townhouse" means property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

~~(15)~~(16) "Unit" means a part of the property including one or more rooms occupying one or more floors or a part or parts of the property intended for any type of independent use and with a direct exit to a public street or highway or to a common area or area leading to a public street or highway.

~~(16)~~(17) "Unit designation" means the number, letter, or combination of numbers and letters designating a unit in the declaration.

~~(17)~~(18) "Unit owner" means the person owning a unit in fee simple absolute individually or as co-owner in any real estate tenancy relationship recognized under the laws of this state. However, for all purposes, including the exercise of voting rights, provided by lease filed with the presiding officer of the association of unit owners, a lessee of a unit must be considered a unit owner."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0200, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

HOUSE BILL NO. 200

INTRODUCED BY D. FERN, F. GARNER

AN ACT REVISING LAWS REGARDING SHARED EQUITY PROPERTIES; PROVIDING THAT A COMMUNITY LAND TRUST OR A HOUSING UNIT ON LAND BELONGING TO A COMMUNITY LAND TRUST ARE NOT CONDOMINIUMS WITHIN THE MEANING OF THE UNIT OWNERSHIP ACT; DEFINING "COMMUNITY LAND TRUST"; AMENDING SECTION 70-23-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Edward Greef, on January 12, 2017 at 3:00 PM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Edward Greef, Chair (R)
Rep. Kathy Swanson, Vice Chair (D)
Rep. Kim Abbott (D)
Rep. Laurie Bishop (D)
Rep. Amanda Curtis (D)
Rep. Geraldine Custer (R)
Rep. Dave Fern (D)
Rep. Ross H. Fitzgerald (R)
Rep. Bruce Grubbs (R)
Rep. Steve Gunderson (R)
Rep. Denise Hayman (D)
Rep. Adam Hertz (R)
Rep. Jessica Karjala (D)
Rep. Kathy Kelker (D)
Rep. Derek Skees (R)
Rep. Jeremy Trebas (R)
Rep. Barry Usher (R)

Members Excused:

Rep. Mandeville
Rep. Dunwell
Rep. Garner
Rep. Lavin
Rep. Webber
Rep. Zolnikov

Members Absent: None

Staff Present: Ginger Aldrich, Legislative Branch
Margot Miltenberger, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 200, 1/9/2017

00:01:40 Chair Greef
00:02:30 Bradley Murfitt, House Sergeant at Arms
00:04:47 Rep. Garner joined the meeting

HEARING ON HB 200

Opening Statement by Sponsor:

00:04:55 Rep. Dave Fern (D), HD 5, opened the hearing on HB 200, Revise laws regarding shared equity properties.

00:05:27 Rep. Lavin joined the meeting

Proponents:

00:09:52 Molly Moody, Trust Montana

[EXHIBIT\(lah09a01\)](#)

00:19:34 Taylor Oldroyd, Montana Association of Realtors, (MAR)

00:21:27 Peggy Trenk, Montana Housing Coalition

Opponents: None

Informational Witnesses: None

Questions from Committee Members and Responses:

00:24:28 Chair Greef
00:25:25 Rep. Fern
00:27:34 Molly Moody, Trust Montana
00:28:16 Rep. Hayman
00:28:33 Rep. Fern
00:28:50 Molly Moody, Trust Montana
00:29:50 Chair Greef
00:30:09 Molly Moody, Trust Montana
00:30:47 Rep. Usher
00:32:25 Molly Moody, Trust Montana
00:32:49 Rep. Usher
00:33:05 Taylor Oldroyd, MAR
00:34:05 Rep. A. Hertz
00:35:53 Molly Moody, Trust Montana
00:36:35 Rep. Karjala
00:38:15 Molly Moody, Trust Montana
00:39:35 Rep. Custer
00:42:01 Molly Moody, Trust Montana
00:42:22 Rep. A. Hertz
00:43:22 Molly Moody, Trust Montana
00:43:55 Rep. Bishop
00:45:21 Rep. Mandeville joined the meeting
00:46:32 Molly Moody, Trust Montana
00:46:47 Rep. Kelker
00:49:45 Molly Moody, Trust Montana
00:50:01 Chair Greef

00:50:31 Rep. Skees
00:51:10 Taylor Oldroyd, MAR
00:51:25 Rep. Skees
00:52:06 Molly Moody, Trust Montana
00:52:43 Rep. Skees
00:53:48 Chair Greef
00:54:09 Molly Moody, Trust Montana

Closing by Sponsor:

00:55:12 Rep. Fern

Committee Business:

00:58:42 Chair Greef
00:59:41 Rep. Skees
00:59:56 Rep. Bishop
01:00:38 Chair Greef
01:01:00 Rep. Skees
01:01:19 Chair Greef
01:02:05 Rep. Usher
01:02:34 Chair Greef

ADJOURNMENT

Adjournment: 01:04:18

Margot Miltenberger, Secretary

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Additional Documents:

EXHIBIT([loh09aad.pdf](#))

HB200 – Defining Community Land Trusts

What is a Community Land Trust (CLT)?

A Community Land Trust (CLT) creates affordable housing by taking the cost of land out of the purchase price of a home. It keeps housing affordable for future buyers by controlling the resale price of houses on CLT land through a ground lease and resale formula. Home owners leasing CLT land under their home enjoy the security, control, tax advantages and ability to build equity just like any home owner. If they sell their home, the resale formula ensures that the home remains affordable for the next family. All homeowners pay taxes and must qualify for a mortgage just like any other home buyer. Traditionally, at resale, CLT homeowners are able to use their equity to transition into regular market-rate homes.

A 2009 study by the Lincoln Institute of Land Policy indicated that homeowners in CLTs experienced foreclosures six times less frequently than market-rate homeowners (as compiled by the Mortgage Bankers Association).

The Need HB200 Addresses:

The relationship between land and improvements, when a CLT is involved, is different from Montana's conventional residential forms of ownership, whether a) single-family-detached ownership; b) townhome ownership; or, c) condominium ownership. Due to a lack of CLT definition in Montana statute, these differences can greatly complicate how CLT ownership is regarded by the various entities that deal with them – including appraisers, mortgage lenders, title companies, and real estate agents.

Statutorily recognizing CLT's in Montana will greatly simplify the education of all parties involved, and will help facilitate more affordable home ownership opportunity in the State of Montana. The legislation must be designed to provide CLTs legal recognition for the distinct form of property ownership that they embody, while in the interests of affordability, ensure a subdivision-review-exemption status similar to that currently provided for townhome development.

Community Land Trusts in Montana:

There are currently three Community Land Trusts in Montana: Kalispell's Northwest Montana CLT, the statewide CLT, Trust Montana, and Missoula's Land Stewardship Program. Together, these CLTs have provided home ownership and equity-building opportunity to 150 households – with income levels ranging from 30 percent to 119 percent of Area Median Income.

These homes serve a wide range of Montanans, including veterans, elderly people, single parents, and families with children, all of whom would otherwise be renting and not paying taxes on a home. In addition to the existing CLTs, the communities of Seeley Lake, Red Lodge, Big Sky, Sidney, and Heron have either begun the process of establishing a CLT to address their housing needs, or have requested technical assistance in order to explore the possibility. Community Land Trusts can be formed to a specific community's needs, and have a long track record of partnering with Habitat for Humanity, co-op housing organizations, municipalities, and other community organizations.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Edward Greef, on January 19, 2017 at 3:04 PM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Edward Greef, Chair (R)
Rep. Forrest Mandeville, Vice Chair (R)
Rep. Kim Abbott (D)
Rep. Laurie Bishop (D)
Rep. Amanda Curtis (D)
Rep. Geraldine Custer (R)
Rep. Mary Ann Dunwell (D)
Rep. Dave Fern (D)
Rep. Bruce Grubbs (R)
Rep. Steve Gunderson (R)
Rep. Denise Hayman (D)
Rep. Adam Hertz (R)
Rep. Jessica Karjala (D)
Rep. Kathy Kelker (D)
Rep. Derek Skees (R)
Rep. Jeremy Trebas (R)
Rep. Barry Usher (R)
Rep. Susan Webber (D)

Members Excused:

Rep. Swanson
Rep. Fitzgerald
Rep. Garner
Rep. Lavin
Rep. Zolnikov

Members Absent: None

Staff Present: Ginger Aldrich, Legislative Branch
Margot Miltenberger, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action on: HB 200

EXECUTIVE ACTION ON HB 200

00:02:43 **Motion:** Rep. Fern moved that **HB 200 DO PASS**.

Discussion:

00:02:56 Rep. Fern
00:04:40 Rep. Kelker
00:05:23 Rep. A. Hertz
00:06:10 Rep. Fern
00:06:38 Rep. Mandeville
00:07:52 Rep. Usher
00:08:48 Rep. Skees

Vote: Motion carried 21-2 by voice vote with Rep. Mandeville and Rep. Zolnikov voting no. Rep. Fitzgerald, Rep. Garner, Rep. Lavin, Rep. Swanson and Rep. Zolnikov voted by proxy.

ADJOURNMENT

Adjournment: 00:12:49

Margot Miltenberger, Secretary

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Additional Documents:

EXHIBIT([loh14aad.pdf](#))

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Roger Webb, on February 1, 2017 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Roger Webb, Chair (R)
Sen. Mike Lang, Vice Chair (R)
Sen. Edward Buttrey (R)
Sen. Steve Fitzpatrick (R)
Sen. Terry Gauthier (R)
Sen. Brian Hoven (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Jon C. Sesso (D)
Sen. Gene Vuckovich (D)

Members Excused: None

Members Absent: None

Staff Present: Leanne Kurtz, Legislative Branch
Tia Stockton, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 200, 1/25/2017; SB 151, 1/25/2017; SR 15, 1/24/2017

Executive Action: SR 15 - Be adopted

00:00:02 Chair Webb

HEARING ON HB 200

Opening Statement by Sponsor:

00:01:04 Rep. Dave Fern (D), HD 5, opened the hearing on HB 200, Revise laws regarding shared equity properties.

EXHIBIT(los23a01)

Proponents' Testimony:

00:07:53 Taylor Oldroyd, Montana Association of Realtors

00:08:54 Peggy Trenk, Montana Housing Coalition (MHC)

00:09:47 Maureen Rude, Neighborworks Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:14:22 Sen. Hoven
 00:14:43 Ms. Trenk, MHC
 00:14:52 Ms. Rude, Neighborworks
 00:15:04 Sen. Hoven
 00:15:23 Ms. Rude
 00:17:03 Sen. Hoven
 00:17:10 Ms. Rude
 00:17:31 Sen. Gauthier
 00:17:51 Ms. Rude
 00:18:10 Sen. Gauthier
 00:18:16 Ms. Rude
 00:18:24 Sen. Gauthier
 00:18:38 Ms. Rude
 00:18:54 Sen. Sesso
 00:19:27 Rep. Fern
 00:19:45 Sen. Sesso
 00:20:16 Rep. Fern
 00:20:30 Ms. Rude
 00:20:52 Sen. Sesso
 00:22:23 Rep. Fern
 00:22:36 Ms. Rude
 00:23:26 Sen. Sesso

00:23:50 Sen. Lang entered the meeting.

00:24:19 Ms. Rude

00:25:01 Sen. Buttrey

00:25:16 Ms. Rude

00:27:42 Sen. Buttrey
 00:27:52 Ms. Rude
 00:28:31 Chair Webb
 00:28:39 Ms. Rude
 00:32:47 Chair Webb
 00:32:52 Ms. Rude

 00:33:11 Sen. Fitzpatrick entered the meeting.

 00:33:21 Sen. Buttrey
 00:33:53 Sen. MacDonald
 00:34:38 Rep. Fern
 00:35:00 Sen. Vuckovich

Closing by Sponsor:

00:35:35 Rep. Fern

 00:38:12 Chair Webb

HEARING ON SB 151

Opening Statement by Sponsor:

00:38:31 Sen. Dee Brown (R), SD 2, opened the hearing on SB 151, Create local government interim committee.

Proponents' Testimony:

00:39:28 Kelly Lynch, Montana League of Cities and Towns
[EXHIBIT\(los23a02\)](#)

 00:43:15 John Engen, Mayor, city of Missoula
 00:44:55 Bob Story, Montana Taxpayers Association
 00:48:57 Harold Blattie, Montana Association of Counties (MACo)
 00:50:59 Bob Gilbert, city of Glendive, Colstrip, Rosebud County, Mussleshell County
 00:53:12 Ed Bartlett, city of Billings
 00:55:12 Todd Devlin, president, Montana Association of Counties (MACo)

Opponents' Testimony:

00:55:38 Sen. Windy Boy, SD 32
[EXHIBIT\(los23a03\)](#)
[EXHIBIT\(los23a04\)](#)

 01:01:18 Sen. Whitford, SD 8
 01:06:05 Rep. Doane, HD 36
 01:09:07 Rep. Kipp, HD 15
[EXHIBIT\(los23a05\)](#)

01:14:27 Sen. Cohenour, SD 42
01:17:30 Rep. Bridget Smith, HD 31
01:18:02 Jason Smith, director of Indian Affairs, Governor's Office
01:19:04 Jordan Thompson, Confederated Salish & Kootenai Tribes
01:20:56 William Walksalong, representing himself

Informational Testimony: None

Questions from Committee Members and Responses:

01:24:03 Sen. MacDonald
01:25:16 Sen. Brown
01:26:42 Sen. Hoven
01:27:08 Sen. Brown

Closing by Sponsor:

01:27:49 Sen. Brown

01:28:33 Chair Webb
01:29:39 Vice Chair Lang assumed the role as chair.

HEARING ON SR 15

Opening Statement by Sponsor:

01:29:46 Sen. Roger Webb (R), SD 23, opened the hearing on SR 15, Confirm Governor appointees to Board of County Printing.

Proponents' Testimony:

01:31:56 Harold Blattie, executive director, Montana Association of Counties (MACo)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:33:47 Sen. Buttrey
01:34:10 Sen. Webb

Closing by Sponsor:

01:34:25 Sen. Webb

01:35:24 Chair Lang

EXECUTIVE ACTION ON SR 15

01:35:41 **Motion/Vote:** Sen. Buttrey moved that **SR 15 BE ADOPTED**. Motion carried unanimously by voice vote.

01:36:05 Chair Webb

ADJOURNMENT

Adjournment: 4:51 PM

Tia Stockton, Secretary

ts

Additional Documents:

EXHIBIT([los23aad.pdf](#))

LOCAL GOVERNMENT

EXHIBIT NO. _____

DATE: _____

Community Land Trust (NWMTCCLT). There

BILL NO. _____

Sharry DeVall – First Homeowner in the Northwest Montana Community Land Trust (NWMTCCLT). There are now 50 homes in the NWMTCCLT.

I became a single mom of 2 boys, ages 3 & 5, in 2001. I was always the sole and consistent breadwinner in the family & I had a stable job with Kalispell Regional Medical Center where I still currently work. My goal was to have a home of my own by the time my oldest son entered high school.

After many years of struggling, making too much money to access social services, and not enough to cover all of my expenses, I was forced to file bankruptcy. I worked hard to rebuild my credit and in 2010 began looking at housing options for my family.

I was looking at homes in the foreclosed market but most of them in my price range needed a lot of work & being a single mom of now 2 busy teenagers, I had neither the time nor money to buy something that needed a lot of fixing up. Then the Daily Interlake ran an article about the Neighborhood Stabilization Program grant award to the City of Kalispell and the formation of the Northwest Montana Community Land Trust (NWMTCCLT). I called Community Action Partnership the very next day & became one step closer to my goal. The CLT was the perfect program for my situation. I was able to move out of my rental and into a newer, completely rehabilitated home (under 10 years old). When the mortgage loan process was complete, I was moving into a home that I could afford that belonged to me and my boys. My mortgage, taxes & home owners insurance were equal to the amount paid in rent and my monthly budget was still intact. My oldest son was halfway through his senior year on move-in day! GOAL ACHIEVED! I can't say enough about what the NWMTCCLT means to me. If not for this program I am sure I would still be renting my little 3 bedroom apartment. By achieving this goal I felt like I truly was providing for my children & did something that my boys could look at and be proud of.

This is my story and thank you for letting me share it.

Sharry, Daniel & Cody DeVall

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Roger Webb, on March 13, 2017 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Roger Webb, Chair (R)
Sen. Steve Fitzpatrick (R)
Sen. Terry Gauthier (R)
Sen. Brian Hoven (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Jon C. Sesso (D)
Sen. Gene Vuckovich (D)

Members Excused: Sen. Mike Lang, Vice Chair (R)
Sen. Edward Buttrey (R)

Members Absent: None

Staff Present: Leanne Kurtz, Legislative Branch
Tia Stockton, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 405, 3/7/2017; HB 416, 3/7/2017; HB 422, 3/7/2017

Executive Action: HB 200 - Be concurred in as amended
HB 245 - Be concurred in as amended
HB 316 - Be concurred in

00:00:03 Chair Webb

HEARING ON HB 405

Opening Statement by Sponsor:

00:00:39 Rep. Rob Cook (R), HD 18, opened the hearing on HB 405, Generally revise laws applicable to local government.

00:01:41 Sen. Sesso entered the meeting.

Proponents' Testimony:

00:02:03 Harold Blattie, Montana Association of Counties

[EXHIBIT\(los52a01\)](#)

[EXHIBIT\(los52a02\)](#)

00:06:34 Jeff Tiberi, Montana Association of Conservation Districts

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:07:06 Rep. Cook

00:07:23 Chair Webb

HEARING ON HB 422

Opening Statement by Sponsor:

00:07:31 Rep. Rob Cook (R), HD 18, opened the hearing on HB 422, Generally revising laws related to local governments.

Proponents' Testimony:

00:09:12 Steve Austin, Department of Revenue (DOR)

00:10:09 Harold Blattie, executive director, Montana Association of Counties

00:11:34 Tim Burton, executive director, Montana League of Cities and Towns

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:12:57 Sen. Sesso
00:13:21 Rep. Cook
00:13:33 Mr. Austin, DOR
00:14:17 Sen. Sesso
00:14:35 Mr. Austin
00:14:59 Sen. Sesso
00:15:18 Mr. Austin
00:15:37 Sen. Sesso
00:15:51 Rep. Cook

Closing by Sponsor:

00:16:06 Rep. Cook
00:16:47 Chair Webb

HEARING ON HB 416

Opening Statement by Sponsor:

00:17:12 Rep. Edward Greef (R), HD 88, opened the hearing on HB 416, Revise local government subdivision review.

Proponents' Testimony:

00:18:42 Tara DePuy, Montana Association of Counties (MACo)
[EXHIBIT\(los52a03\)](#)
[EXHIBIT\(los52a04\)](#)

00:26:07 Harold Blattie, executive director, Montana Association of Counties
00:26:55 Jim Anderson, Montana Association of Realtors

Opponents' Testimony:

00:29:07 Nadine Nadow, Montana Environmental Information Center
[EXHIBIT\(los52a05\)](#)

00:29:40 Jeff Barber, Montana Small Growth Coalition (MSGC)

Informational Testimony: None

Questions from Committee Members and Responses:

00:31:15 Sen. MacDonald
00:31:28 Sen. Sesso
00:33:43 Ms. DePuy, MACo
00:36:15 Sen. Sesso
00:37:19 Ms. DePuy

00:37:42 Sen. Sesso
 00:39:24 Ms. DePuy
 00:40:08 Sen. Sesso
 00:40:40 Ms. DePuy
 00:41:47 Sen. Sesso
 00:42:20 Mr. Barber, MSGC
 00:42:32 Sen. Sesso
 00:42:46 Mr. Barber
 00:42:57 Sen. Hoven
 00:43:50 Mr. Barber

Closing by Sponsor:

00:45:03 Rep. Greef
 00:47:10 Chair Webb

EXECUTIVE ACTION ON HB 200

00:47:33 **Motion:** Sen. MacDonald moved that **HB 200 BE REMOVED FROM TABLE.**
 00:49:51 Recess
 00:54:39 Reconvene
 00:54:40 Sen. Sesso

Discussion:

00:55:00 Sen. MacDonald
 00:56:33 Sen. Gauthier
 00:56:54 Chair Webb
 00:57:21 Sen. MacDonald
 00:57:43 Leanne Kurtz, Legislative Services Division (LSD)
 00:58:01 **Vote:** Motion carried 6-1 by roll call vote with Sen. R. Webb voting no. (Proxies not allowed)
 00:59:11 **Motion:** Sen. Fitzpatrick moved that **HB 200 BE AMENDED.**
[**EXHIBIT**](#)(los52a06)

Discussion:

00:59:25 Ms. Kurtz, LSD
 01:00:03 Sen. MacDonald
 01:00:39 Ms. Kurtz
 01:01:00 **Vote:** Motion carried 8-1 by roll call vote with Sen. Lang voting no. Sen. Buttrey and Sen. Lang voted by proxy.

01:01:32 **Motion:** Sen. Fitzpatrick moved that **HB 200 BE CONCURRED IN AS AMENDED.**

Discussion:

01:01:44 Sen. Hoven
 01:02:44 Jim Anderson, Montana Association of Realtors
 01:03:32 Sen. MacDonald
 01:04:33 Sen. Hoven
 01:04:51 Sen. Sesso
 01:07:51 Sen. Vuckovich
 01:08:20 Sen. MacDonald
 01:09:15 Sen. Gauthier
 01:09:29 Sen. Sesso
 01:10:17 Chair Webb
 01:10:32 Sen. Sesso
 01:11:29 Chair Webb
 01:13:01 Sen. MacDonald
 01:13:51 Chair Webb
 01:14:04 Sen. Sesso
 01:16:25 Chair Webb
 01:16:38 Sen. Vuckovich

01:18:42 **Vote:** Motion carried 6-3 by roll call vote with Sen. Fitzpatrick, Sen. Lang and Sen. R. Webb voting no. Sen. Buttrey and Sen. Lang voted by proxy. Sen. MacDonald will carry the bill.

01:19:42 Chair Webb

EXECUTIVE ACTION ON HB 316

01:19:48 **Motion:** Sen. Fitzpatrick moved that **HB 316 BE CONCURRED IN.**

Discussion:

01:20:06 Sen. MacDonald

01:20:25 **Vote:** Motion carried unanimously by voice vote. Sen. Buttrey and Sen. Lang voted by proxy. Sen. Gauthier will carry the bill.

EXECUTIVE ACTION ON HB 245

01:20:55 **Motion:** Sen. Fitzpatrick moved that **HB 245 BE CONCURRED IN.**

01:21:08 Ms. Kurtz

01:21:29 **Motion:** Sen. Fitzpatrick moved that **HB 245 BE AMENDED.**
EXHIBIT(los52a07)

Discussion:

01:21:47 Sen. Sesso

01:22:31 **Vote:** Motion carried unanimously by voice vote. Sen. Buttrey and Sen. Lang voted by proxy.

01:23:01 **Motion:** Sen. Fitzpatrick moved that **HB 245 BE CONCURRED IN AS AMENDED.**

01:23:08 **Motion:** Sen. Fitzpatrick moved that **HB 245 BE AMENDED.**
[EXHIBIT\(los52a08\)](#)

Discussion:

01:23:18 Ms. Kurtz

01:24:43 Sen. Sesso

01:29:29 **Vote:** Motion carried unanimously by roll call vote. Sen. Buttrey and Sen. Lang voted by proxy.

01:29:59 **Motion/Vote:** Sen. Fitzpatrick moved that **HB 245 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Buttrey and Sen. Lang voted by proxy. Sen. Buttrey will carry the bill.

01:30:36 Chair Webb

ADJOURNMENT

Adjournment: 4:33 PM

Tia Stockton, Secretary

ts

Additional Documents:

EXHIBIT([los52aad.pdf](#))

Amendments to House Bill No. 200
3rd Reading Copy

Requested by Representative Dave Fern

For the Senate Local Government Committee

Prepared by K.V. Aldrich
February 6, 2017 (12:57pm)

1. Title, page 1, line 5.
Following: "COMMUNITY LAND TRUST"
Strike: "IS"
Insert: "OR A HOUSING UNIT ON LAND BELONGING TO A COMMUNITY LAND TRUST ARE"
Following: "NOT"
Strike: "A CONDOMINIUM"
Insert: "CONDOMINIUMS"
2. Page 1, line 23.
Strike: "501(c)"
Insert: "501(c)(3)"
3. Page 1, line 27.
Following: "townhouse,"
Strike: "or"
4. Page 1, line 28.
Following: "trust"
Insert: ", or a housing unit located on land belonging to a community land trust"

- END -